

1 AMENDMENT TO SENATE BILL 1127

2 AMENDMENT NO. _____. Amend Senate Bill 1127, AS AMENDED,
3 with reference to the page and line numbers of House
4 Amendment No. 1, by replacing lines 9 through 21 on page 1
5 and lines 1 through 28 on page 2 with the following:

6 "(705 ILCS 105/16.5 new)

7 Sec. 16.5. Assisting court users; clerk or deputy clerk.

8 (a) In this Section:

9 "Court" means the circuit court.

10 "Form" means a model or skeleton of an instrument to be
11 used in a judicial proceeding or legal transaction,
12 containing the principal necessary matters, the proper
13 technical terms or phrases and whatever else is necessary to
14 make it formally correct and capable of being adopted to the
15 circumstances of the specific case or transaction.

16 (b) Court staff must treat all litigants fairly and
17 equally. Court staff must not provide assistance for the
18 purpose of giving one party an advantage over another, nor
19 give assistance to one party that they would not give to an
20 opposing party.

21 (c) Court staff shall do all of the following:

22 (1) Provide public information contained in
23 dockets, calendars, case files, indexes, or existing

1 reports.

2 (2) Explain and answer procedural questions about
3 how the court system works.

4 (3) Provide court schedules and information about
5 how to get a case scheduled.

6 (4) Provide copies of State and local court rules
7 and procedures for applicable fees and costs.

8 (5) Advise litigants as to where to find statutes
9 and rules.

10 (6) Identify and provide applicable court forms and
11 instructions.

12 (7) Provide telephone numbers and website addresses
13 for lawyer referral services, legal aid providers, and
14 other services where the public can get legal information
15 and assistance.

16 (8) Provide appropriate aids and services for
17 individuals with disabilities in accordance with the
18 Americans with Disabilities Act of 1990, 42 USC 12101.

19 (9) Provide simplified forms to help with the
20 writing and filing of a petition when available."; and

21 by replacing lines 31 and 32 on page 30, all of page 31, and
22 lines 1 through 17 on page 32 with the following:

23 "(705 ILCS 110/1.5 new)

24 Sec. 1.5. Assisting court users; clerk or deputy clerks;
25 prohibition; unauthorized information and assistance. Court
26 staff may not do any of the following:

27 (1) Provide legal advice or recommend a specific
28 course of legal action for an individual. If a court user
29 asks for legal advice, court staff shall provide
30 telephone numbers and website addresses for lawyer
31 referral services, legal aid providers, and other
32 services where the public can get legal information and
33 assistance.

1 (2) Apply the law to the facts of a given case.

2 (3) Interpret the meaning or implication of
3 statutes or appellate court decisions as they might apply
4 to an individual case.

5 (4) Perform legal research for court users.

6 (5) Reveal the outcome of a case before the
7 information is officially released to the litigants or
8 the public.

9 (6) Fill out forms, or direct litigants as to how
10 to fill out forms that require legal analysis of the law.
11 If the litigant has a physical disability or is
12 illiterate and is therefore unable to fill in a form, and
13 the litigant explains the disability to the clerk's staff
14 member and requests appropriate assistance, then the
15 staff member may fill in the form with the exact words
16 provided by the litigant and another staff member must
17 witness the action. If the litigant is seeking an order
18 of protection, the clerk, in accordance with the Illinois
19 Domestic Violence Act of 1986, may provide simplified
20 forms and clerical assistance to help with the writing
21 and the filing of a petition.

22 Section 11. If and only if House Bill 3504 of the 93rd
23 General Assembly becomes law, the Code of Criminal Procedure
24 of 1963 is amended by changing Section 110-7 as follows:

25 (725 ILCS 5/110-7) (from Ch. 38, par. 110-7)

26 Sec. 110-7. Deposit of Bail Security.

27 (a) The person for whom bail has been set shall execute
28 the bail bond and deposit with the clerk of the court before
29 which the proceeding is pending a sum of money equal to 10%
30 of the bail, but in no event shall such deposit be less than
31 \$25. The clerk of the court shall provide a space on each
32 form for a person other than the accused who has provided the

1 money for the posting of bail to so indicate and a space
2 signed by an accused who has executed the bail bond
3 indicating whether a person other than the accused has
4 provided the money for the posting of bail. The form shall
5 also include a written notice to such person who has provided
6 the defendant with the money for the posting of bail
7 indicating that the bail may be used to pay costs, attorney's
8 fees, fines, or other purposes authorized by the court and if
9 the defendant fails to comply with the conditions of the bail
10 bond, the court shall enter an order declaring the bail to be
11 forfeited. The written notice must be: (1) distinguishable
12 from the surrounding text; (2) in bold type or underscored;
13 and (3) in a type size at least 2 points larger than the
14 surrounding type. When a person for whom bail has been set
15 is charged with an offense under the "Illinois Controlled
16 Substances Act" which is a Class X felony, the court may
17 require the defendant to deposit a sum equal to 100% of the
18 bail. Where any person is charged with a forcible felony
19 while free on bail and is the subject of proceedings under
20 Section 109-3 of this Code the judge conducting the
21 preliminary examination may also conduct a hearing upon the
22 application of the State pursuant to the provisions of
23 Section 110-6 of this Code to increase or revoke the bail for
24 that person's prior alleged offense.

25 (b) Upon depositing this sum and any bond fee authorized
26 by law, the person shall be released from custody subject to
27 the conditions of the bail bond.

28 (c) Once bail has been given and a charge is pending or
29 is thereafter filed in or transferred to a court of competent
30 jurisdiction the latter court shall continue the original
31 bail in that court subject to the provisions of Section 110-6
32 of this Code.

33 (d) After conviction the court may order that the
34 original bail stand as bail pending appeal or deny, increase

1 or reduce bail subject to the provisions of Section 110-6.2.

2 (e) After the entry of an order by the trial court
3 allowing or denying bail pending appeal either party may
4 apply to the reviewing court having jurisdiction or to a
5 justice thereof sitting in vacation for an order increasing
6 or decreasing the amount of bail or allowing or denying bail
7 pending appeal subject to the provisions of Section 110-6.2.

8 (f) When the conditions of the bail bond have been
9 performed and the accused has been discharged from all
10 obligations in the cause the clerk of the court shall return
11 to the accused or to the defendant's designee by an
12 assignment executed at the time the bail amount is deposited,
13 unless the court orders otherwise, 90% of the sum which had
14 been deposited and shall retain as bail bond costs 10% of the
15 amount deposited. However, in no event shall the amount
16 retained by the clerk as bail bond costs be less than \$5.
17 Bail bond deposited by or on behalf of a defendant in one
18 case may be used, in the court's discretion, to satisfy
19 financial obligations of that same defendant incurred in a
20 different case due to a fine, court costs, restitution or
21 fees of the defendant's attorney of record. In counties with
22 a population of 3,000,000 or more, the court shall not order
23 bail bond deposited by or on behalf of a defendant in one
24 case to be used to satisfy financial obligations of that same
25 defendant in a different case until the bail bond is first
26 used to satisfy court costs and attorney's fees in the case
27 in which the bail bond has been deposited and any other
28 unpaid child support obligations are satisfied. In counties
29 with a population of less than 3,000,000, the court shall not
30 order bail bond deposited by or on behalf of a defendant in
31 one case to be used to satisfy financial obligations of that
32 same defendant in a different case until the bail bond is
33 first used to satisfy court costs in the case in which the
34 bail bond has been deposited.

1 At the request of the defendant the court may order such
2 90% of defendant's bail deposit, or whatever amount is
3 repayable to defendant from such deposit, to be paid to
4 defendant's attorney of record.

5 (g) If the accused does not comply with the conditions
6 of the bail bond the court having jurisdiction shall enter an
7 order declaring the bail to be forfeited. Notice of such
8 order of forfeiture shall be mailed forthwith to the accused
9 at his last known address. If the accused does not appear
10 and surrender to the court having jurisdiction within 30 days
11 from the date of the forfeiture or within such period satisfy
12 the court that appearance and surrender by the accused is
13 impossible and without his fault the court shall enter
14 judgment for the State if the charge for which the bond was
15 given was a felony or misdemeanor, or if the charge was
16 quasi-criminal or traffic, judgment for the political
17 subdivision of the State which prosecuted the case, against
18 the accused for the amount of the bail and costs of the court
19 proceedings; however, in counties with a population of less
20 than 3,000,000, instead of the court entering a judgment for
21 the full amount of the bond the court may, in its discretion,
22 enter judgment for the cash deposit on the bond, less costs,
23 retain the deposit for further disposition or, if a cash bond
24 was posted for failure to appear in a matter involving
25 enforcement of child support or maintenance, the amount of
26 the cash deposit on the bond, less outstanding costs, may be
27 awarded to the person or entity to whom the child support or
28 maintenance is due. The deposit made in accordance with
29 paragraph (a) shall be applied to the payment of costs. If
30 judgment is entered and any amount of such deposit remains
31 after the payment of costs it shall be applied to payment of
32 the judgment and transferred to the treasury of the municipal
33 corporation wherein the bond was taken if the offense was a
34 violation of any penal ordinance of a political subdivision

1 of this State, or to the treasury of the county wherein the
2 bond was taken if the offense was a violation of any penal
3 statute of this State. The balance of the judgment may be
4 enforced and collected in the same manner as a judgment
5 entered in a civil action.

6 (h) After a judgment for a fine and court costs or
7 either is entered in the prosecution of a cause in which a
8 deposit had been made in accordance with paragraph (a) the
9 balance of such deposit, after deduction of bail bond costs,
10 shall be applied to the payment of the judgment.

11 (Source: P.A. 91-94, eff. 1-1-00; 91-183, eff. 1-1-00; 92-16,
12 eff. 6-28-01; 93HB3504enr.)"; and

13 on page 33, line 17, by changing "Whenever" to "In counties
14 with a population of 3,000,000 or more, whenever".